

## **TITLE 326 AIR POLLUTION CONTROL BOARD**

### **LSA Document #98-95**

#### **SUMMARY/RESPONSE TO COMMENTS RECEIVED AT THE FIRST PUBLIC HEARING**

On March 4, 1998, the air pollution control board (board) conducted the first public hearing/board meeting concerning the development of new rules and amendments to 326 IAC 2. Comments were made by the following parties:

American Automobile Manufacturers Association	(AAMA)
Eli Lilly and Company	(ELC)
Indiana Manufacturers Association	(IMA)
Indiana Chamber of Commerce	(ICC)

Following is a summary of the comments received and IDEM's responses thereto.

*Comment:* The AAMA appreciates the work and effort that IDEM has put into the development of these rules. IDEM should continue to refine the rule language and should clarify the language for source modifications at Title V sources. The language would be very beneficial for Title V sources, but IDEM should clarify that an approval to construct granted under this section does not require U.S. EPA approval and this approval is only required when the source is requesting an approval to operate the modification. We believe that this issue and others can be worked out prior to final adoption with workgroup discussions. (AAMA)

*Response:* IDEM agrees and will work to provide the clarification and will continue to work with the U.S. EPA concerning these rules.

*Comment:* Eli Lilly and Company is a company that is significantly impacted by the rules and regulations that comprise the new source review program. Our plant sites include hundreds of relatively small, flexible equipment and the nature of our business requires our company to be able to make changes with minimal delay. IDEM has put a significant effort in the development of these rules and has consistently worked with interested parties in developing rule language. Besides the public meetings that IDEM had organized to receive input, a joint work group of Eli Lilly, the Indiana Chamber of Commerce, and the Indiana Manufacturers Association made recommendations concerning reforming the minor new source review program. Those recommendations included simplifying the rules so that they are more understandable, streamlining the review process, integration of the state programs with federal programs, and developing innovative processes to increase operational flexibility without reducing environmental protection.

While the draft rules are a step in the right direction, more work will be needed between

preliminary and final adoption. The draft rule does include several beneficial improvements. The proposed restructuring of the rules, the inclusion of emission cap and advance approval provisions, and the proposed revisions concerning changes at sources are all improvements. There are issues that still need to be considered. IDEM should continue to work on issues such as the signature requirement for responsible officials and compliance monitoring requirements. The definition of a responsible official requires a high-level official to sign documents such as applications and reports, and having the responsible official at such a high level can cause timing problems. IDEM should also consider establishing criteria, such as costs or available alternatives, for use when determining the types of compliance monitoring that will be required as part of a permit. Further simplification of the rules should be the focus of the agency and the work groups between preliminary and final adoption. (ELC)

*Response:* IDEM agrees that additional work to further streamline and simplify the rules should be pursued. However there may be constraints in federal law that affect how much change can be accomplished. Certain definitions, such as the definition of responsible official, are part of federal program requirements and must conform to the federal definitions.

*Comment:* A significant amount of work has been accomplished and the agency should be commended. The inclusion of positive things such as emission caps, the notice only process and the list of specific exemptions in these rules is a step forward. However the draft rules and the requirements set out in those rules should be simplified further. (IMA)

*Response:* IDEM will continue to work with interested parties in an effort to further simplify the rules and rule requirements.

*Comment:* A great deal of work has been done to date, but the basic requirements for new source review have not been substantially reformed. The emissions caps and notice only provisions are good concepts, but there has been too few substantial changes. One of the goals was to streamline the process and reduce agency workload. More work needs to be done to address this issue. (ICC)

*Response:* IDEM believes that certain aspects of the minor new source review program should remain in place, but the agency will continue to work with interested parties between preliminary and final adoption to address any outstanding issues.